

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

PETER EVERETT

(b) County of Residence of First Listed Plaintiff Kings (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Robert J. Di Gianni, Jr., Esq. 159 20th Street, Suite 1B-20, Brooklyn, New York 11232

DEFENDANTS

THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT, P.O. CHRISTOPHER WALSH and P.O. JOHN DOE

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Corporation Counsel 100 Church Street, New York, New York 10007

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
- Citizen of Another State
- Citizen or Subject of a Foreign Country
- Incorporated or Principal Place of Business In This State
- Incorporated and Principal Place of Business In Another State
- Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<ul style="list-style-type: none">110 Insurance120 Marine130 Miller Act140 Negotiable Instrument150 Recovery of Overpayment & Enforcement of Judgment151 Medicare Act152 Recovery of Defaulted Student Loans (Excludes Veterans)153 Recovery of Overpayment of Veteran's Benefits160 Stockholders' Suits190 Other Contract195 Contract Product Liability196 Franchise	<div>PERSONAL INJURY<ul style="list-style-type: none">310 Airplane315 Airplane Product Liability320 Assault, Libel & Slander330 Federal Employers' Liability340 Marine345 Marine Product Liability350 Motor Vehicle355 Motor Vehicle Product Liability360 Other Personal Injury362 Personal Injury - Medical Malpractice</div> <div>PERSONAL INJURY<ul style="list-style-type: none">365 Personal Injury - Product Liability367 Health Care/Pharmaceutical Personal Injury Product Liability368 Asbestos Personal Injury Product Liability</div> <div>PERSONAL PROPERTY<ul style="list-style-type: none">370 Other Fraud371 Truth in Lending380 Other Personal Property Damage385 Property Damage Product Liability</div>	<ul style="list-style-type: none">625 Drug Related Seizure of Property 21 USC 881690 Other	<ul style="list-style-type: none">422 Appeal 28 USC 158423 Withdrawal 28 USC 157 <div>PROPERTY RIGHTS<ul style="list-style-type: none">820 Copyrights830 Patent840 Trademark</div> <div>SOCIAL SECURITY<ul style="list-style-type: none">861 HIA (1395ff)862 Black Lung (923)863 DIWC/DIWW (405(g))864 SSID Title XVI865 RSI (405(g))</div> <div>FEDERAL TAX SUITS<ul style="list-style-type: none">870 Taxes (U.S. Plaintiff or Defendant)871 IRS—Third Party 26 USC 7609</div>	<ul style="list-style-type: none">375 False Claims Act376 Qui Tam (31 USC 3729(a))400 State Reapportionment410 Antitrust430 Banks and Banking450 Commerce460 Deportation470 Racketeer Influenced and Corrupt Organizations480 Consumer Credit490 Cable/Sat TV850 Securities/Commodities/Exchange890 Other Statutory Actions891 Agricultural Acts893 Environmental Matters895 Freedom of Information Act896 Arbitration899 Administrative Procedure Act/Review or Appeal of Agency Decision950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<ul style="list-style-type: none">210 Land Condemnation220 Foreclosure230 Rent Lease & Ejectment240 Torts to Land245 Tort Product Liability290 All Other Real Property	<ul style="list-style-type: none">440 Other Civil Rights441 Voting442 Employment443 Housing/Accommodations445 Amer. w/Disabilities - Employment446 Amer. w/Disabilities - Other448 Education	<div>Habeas Corpus:<ul style="list-style-type: none">463 Alien Detainee510 Motions to Vacate Sentence530 General535 Death Penalty</div> <div>Other:<ul style="list-style-type: none">540 Mandamus & Other550 Civil Rights555 Prison Condition560 Civil Detainee - Conditions of Confinement</div>	<div>LABOR<ul style="list-style-type: none">710 Fair Labor Standards Act720 Labor/Management Relations740 Railway Labor Act751 Family and Medical Leave Act790 Other Labor Litigation791 Employee Retirement Income Security Act</div> <div>IMMIGRATION<ul style="list-style-type: none">462 Naturalization Application465 Other Immigration Actions</div>	

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation - Transfer
- 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 U.S.C. § 1983, § 1985 and § 1988, and the Fourth and Fourteenth Amendments to the US Constitution

Brief description of cause: Police Brutality, Police Misconduct, False Arrest, Unlawful Imprisonment, Negligence, Abuse of Process

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 5,000,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 12/05/2016 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

CERTIFICATION OF ARBITRATION ELIGIBILITY

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, ROBERT J DIGIANNI, JR., counsel for PLAINTIFF, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- ☒ monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- ☐ the complaint seeks injunctive relief,
- ☐ the matter is otherwise ineligible for the following reason

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

RELATED CASE STATEMENT (Section VIII on the Front of this Form)

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? No
- 2.) If you answered "no" above:
- a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? No
- b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? Yes

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? _____

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

BAR ADMISSION

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

☒ Yes

☐ No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

☐ Yes

(If yes, please explain)

☒ No

I certify the accuracy of all information provided above.

Signature: _____